

**CUSTOMER NO.: 24498**  
**Serial No.: 10/556,832**  
**Final Office Action dated: 07/21/09**  
**Response dated: 11/20/09**

**PATENT**  
**PD030051**

**Amendments to the Drawings**

The attached drawing replacement sheets include changes to Fig. 1A and Fig. 2A. In both Figs. 1A and 2A previously omitted legend, "Prior Art", has been added.

Attachments: Replacement Sheets 1/17 and 2/17

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### **Remarks/Arguments**

Upon entry of the accompanying amendments, claims 12-19 will be pending in this application. Claims 1-11 are rejected in the final Office Action of July 21, 2009, although claims 7-9 are indicated as containing allowable subject matter. Applicant appreciates the Examiner's indication of allowable subject matter. Claims 1-11 are cancelled herein. Claims 12-19 are newly added herein to more particularly point out and distinctly claim the subject matter regarded as the invention, and to address each of the issues raised by the Examiner.

### **Re: Drawings**

The Examiner submits that FIGS. 1A and 2A should be designated by a legend such as, "Prior Art", as described in Applicant's specification, sections 0009 and 0010. In response, Applicant herein submits revised FIGS. 1A and 2A.

### **Re: Rejection of Claims 2-10 under 35 U.S.C. §112, First Paragraph**

Claims 2-10 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner alleges that the specification fails to provide an adequate written description of "an evaluation signal". This ground of rejection is deemed moot in view of the cancellation of claims 1-11 herein.

### **Re: Rejection of Claims 1-11 under 35 U.S.C. §112, Second Paragraph**

Claims 1-11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner has cited various instances of alleged indefiniteness in the claims. This ground of rejection is deemed moot in view of the cancellation of claims 1-11 herein.

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**Re: Rejection of Claims 1-6, 10 and 11 under 35 U.S.C. §102(b)**

Claims 1-6, 10 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,388,963 issued to Tanaka (hereinafter, "Tanaka"). This ground of rejection is deemed moot in view of the cancellation of claims 1-11 herein.

**Re: Newly Added Claims 12-19**

Claims 12-19 are newly added herein to more particularly point out and distinctly claim the subject matter regarded as the invention, and to address each of the foregoing issues raised by the Examiner. These newly added claims are deemed allowable for at least the following reasons.

Newly added independent claim 12 recites:

"A method for generating a track type signal using a scanning unit for an optical recording medium having data stored in tracks, wherein the scanning unit includes an objective lens and a focus control loop, and is operative to produce an optical main beam and at least one secondary beam and to evaluate light reflected from the optical recording medium with a plurality of photodetector segments associated with the main beam and the at least one secondary beam, the method comprising steps of:

'scanning the optical recording medium with a scanning beam, the focus control loop being activated;

'deflecting the objective lens in a focus direction by feeding a disturbance signal into the focus control loop;

'deriving a first error signal only from signals of the photodetector segments associated with the main beam;

'deriving a second error signal different from the first error signal only from signals of the photodetector segments associated with the at least one secondary beam;

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deriving first and second branch weights from the disturbance signal multiplied with a difference between the first error signal and the second error signal; and

'forming the track type signal by combining the first error signal multiplied by the first branch weight with the second error signal multiplied by the second branch weight.' (emphasis added)

As indicated above, newly added independent claim 12 recites a method for generating a track type signal using a scanning unit for an optical recording medium having data stored in tracks. The method of claim 12 includes a step of "deriving a second error signal different from the first error signal *only* from signals of the photodetector segments associated with the at least one secondary beam" (emphasis added). Applicant notes that Tanaka fails to disclose or suggest, *inter alia*, at least this step of claim 12. In particular, while Tanaka does disclose the generation of an alleged "second error signal" (TE) that is different from an alleged "first error signal" (FE) (see blocks 675B and 675C of FIG. 3), the alleged "second error signal" (TE) is generated using signals A, B, C, D, E, F, G and H (i.e.,  $TE = (A+D)-(B+C)-\alpha\{(E-F)+(G-H)\}$  – see again FIG. 3). Of these signals A through H, it is noted that signals A through D are signals of photodetector segments associated with a main beam SM, and signals E through H are signals of photodetector segments associated with secondary beams S1 and S2. Accordingly, the alleged "second error signal" (TE) of Tanaka is derived from signals of the photodetector segments associated with the main beam SM and signals of the photodetector segments associated with at least of the one secondary beams S1 and S2. As such, Tanaka clearly fails to disclose or suggest, *inter alia*, the step of "deriving a second error signal different from the first error signal *only* from signals of the photodetector segments associated with the at least one secondary beam" (emphasis added), as recited by newly added independent claim 12. Therefore, for at least the foregoing reasons, newly added independent claim 12 and its dependent claims are deemed allowable over the prior art, including Tanaka.

Newly added independent claim 15 defines subject matter similar to newly added independent claim 12, and includes the allowable subject matter from previously presented claim 7, which is now cancelled. Newly added independent claim 17 also

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defines subject matter similar to newly added independent claim 12, and includes the allowable subject matter from previously presented claim 8, which is now cancelled. Accordingly, for at least the foregoing reasons, newly added independent claims 15 and 17, and their respective dependent claims, are also deemed allowable over the prior art, including Tanaka.

### Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicant believes this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Please charge the \$130 fee for the One (1) Month Extension, the \$810 fee for the RCE, and, any other charges that may be due and/or credit any overpayments to Deposit Account No. 07-0832.

Respectfully submitted,  
CHRISTIAN BUCHLER

By: 

Reitseng Lin, Attorney  
Reg. No. 42,804  
Phone (609) 734-6813

RL:pdf

Attachments: Replacement Sheets 1/17 & 2/17

Patent Operations  
Thomson Licensing LLC  
P.O. Box 5312  
Princeton, New Jersey 08543-5312

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